

REMARKS

The Office Action dated September 22, 2006 considered claims 1–13 and 25. Claims 1–13 and 25 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Shuman, U.S. Patent No. 6,424,995 (filed Aug. 13, 1998).¹ The drawings were also objected to as failing to comply with 37 CFR 1.84(p)(5) because they included reference character(s) not mentioned in the description. These objections are now moot, however, inasmuch as the Specification has been amended to include the inadvertently omitted references identified by the Examiner.

By this response, no claims are amended, such that claims 1–13 and 25 remain pending, of which claims 1 and 25 are the only independent claims which remain at issue.

The present invention is directed generally towards methods and products for efficiently and reliably providing message related data. Claim 1, for instance, in combination with all the elements recited in the claim, is a method whereby an operating system receives a registration request from a message application, the operating system determines that a folder silo has resources available to satisfy the registration request and allocates space within the folder silo for the request, and then maintains an indication that the message application has control of the folder space so that other message applications can be made aware that the application has control. Claim 26 recites, in combination with all the claim's elements, a computer program product implementing a method similar to that specified in claim 1.

Shuman, cited in the 35 U.S.C. § 102 rejection of both claims 1 and 25, generally teaches a method for displaying information contained in an electronic message.² More particularly, Shuman teaches displaying information concerning electronic messages which is automatically derived by examining message properties corresponding to defined test properties.³ Shuman composes information items in natural language which reflect the state of the message and then prioritizes and displays the composed information.⁴ Unlike the present invention, however, Shuman is not directed, *inter alia*, towards operating systems, registrations, resources, allocation of space, or the control elements recited in the pending claims.⁵

Among other things, Shuman fails to teach or suggest any embodiment that includes an “operating system receiving a folder registration request.”⁶ The Examiner cites to Shuman col. 9 l. 44–49⁷ for this teaching. However, it should be noted, that this cited reference (and the remaining disclosure

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² See, generally, Shuman.

³ Shuman, Abstract.

⁴ Id.; see also, generally, Shuman.

⁵ See claim 1; see also, claim 25.

⁶ See claim 1.

⁷ Office Communication p. 4.

in Shuman) fails to disclose or suggest an “operating system” or the reception of a “registration request.” Furthermore, while the cited portion of Shuman recites some details of MAPI (“Messaging API”), it will be appreciated that MAPI is an API (application programming interface)⁸ maintained by Microsoft Corporation that simply defines an interface. On its face, MAPI should not be construed as “an operating system receiving a ... registration request.”⁹ The Examiner cites to Shuman col. 9 l. 11–19 for an “operating system determining that a folder silo has resources available . . .”¹⁰ However, neither the cited portion nor the entirety of Shuman ever discloses such an element.¹¹ In particular, Shuman, itself, teaches that the “operating system incorporates the Messaging Application Programming Interface (MAPI),” and, as such, the “underlying messaging system is completely transparent”¹² (i.e., unknowable to the user). Because of the architecture taught and utilized by Shuman, the underlying operations of the operating system cannot be known. For the element of an “operating system allocating a folder space within the folder silo”¹³ the Examiner cites to the same portion of Shuman.¹⁴ Again, since the operation of the operating system is hidden from the programmer by the MAPI interface, it is impossible within Shuman to know if an operating system allocates folder space within a folder silo. “Folder space within [a] folder silo” teaches a distinct and specific architecture for the implementation of the present invention’s functionality. Because such specific architecture is specifically hidden within the Shuman disclosure, Shuman cannot be considered to anticipate such an element. Finally, the Examiner cites again to the same portion of Shuman, col. 9 l. 11–19, for teaching “registering a message application to have primary control of a message folder space.”¹⁵ Although “[m]essage store providers handle the storage and retrieval of electronic messages and other information for the users of a client application”,¹⁶ and “[t]here is no limit to the number of levels in a message store, and folders can contain many sub-

⁸ It bears noting that MAPI is an API. An API, an “application programming interface,” is specifically designed “to describe how computer applications . . . may access a set of . . . functions . . . without requiring access to the source code of the functions . . . or requiring a detailed understanding of the functions’ internal workings.” See Application Programming Interface, available at <http://en.wikipedia.org/wiki/API> (last visited Nov. 20, 2006). It is because MAPI is an API that Shuman cannot disclose such “internal workings” of the operating system necessary for specific teaching of the recited elements.

⁹ See Microsoft Corporation, MAPI Interfaces, available at <http://msdn.microsoft.com/library/default.asp?url=/library/en-us/mapi/html/edec509f-1153-498d-80db-05253fa01ca8.asp> (last visited Nov. 20, 2006).

¹⁰ Office Communication p. 4.

¹¹ See, generally, Shuman.

¹² Shuman col. 7 l. 59 – col. 8 l. 6.

¹³ See claim 1.

¹⁴ Office Communication p. 4.

¹⁵ Office Communication p. 5.

¹⁶ Shuman col. 9 l. 11–19.

folders,"¹⁷ there is no mention in Shuman of "an operating system maintaining an indication that [a] message application has primary control of [] allocated folder space."¹⁸

For a proper rejection under 35 U.S.C. § 102, each and every element of a claim must be found within a single reference.¹⁹ As discussed above, there are elements of claim 1 which are clearly never taught, explicitly or implicitly, by Shuman. As such, Applicants submit that a rejection of claim 1 under 35 U.S.C. § 102 is without sufficient basis and should be considered improper. In view of the foregoing, the Applicants respectfully request the rejection of claim 1 be withdrawn and submit that claim 1 is in condition for prompt allowance. Applicants now respectfully request the allowance of claim 1.

Claim 25 recites a system embodiment similar to the method recited in claim 1. As such, the discussion, above, applies equally to claim 25 and the Applicants respectfully request the rejection of claim 25 be withdrawn and respectfully request the allowance of claim 25.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 21st day of December, 2006.

Respectfully submitted,



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¹⁷ *Id.*

¹⁸ See claim 1.

¹⁹ MPEP § 2131.